SHRI K. C. PANT : I know what is worrying you now. But unfortunately I cannot help you. (*Interruptions*)

DR. BAPU KALDATE (Maharashtra) : Please help yourself.

SHRI K.C. PANT : I would like to thank you very much for your patience.

SHRI M. S. GURUPADASWAMY : Madam Deputy Chairman...

THE DEPUTY CHAIRMAN : You have consumed your time.

SHRI M. S. GURUPADASWAMY : We listened attentively to the reply given by my friend. Shri K. C. Pant. I take it that it is no reply at all. It is not convincing. It is like old wine in new bottles and the whole effort is a futile exercise to cover up a fraud. We are not convinced at all. In protest, we walk out.

(*At this stage, some hon. Member left the Chamber*)

RE. : BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT) : I submit that the financial business can be taken up now. There are three items of financial business. The Congress Party will not take time on these three items. If they want to take time, they can. But we will not take time, so that these three items can be cleared quickly and then we go to the Constitution (Amendment) Bills.

(*Interruptions*)

THE DEPUTY CHAIRMAN : Please sit down.

SHRI V. GOPALSAM (Tamil Nadu) : The Constituti (Amendment) Bills should be tak up first. Mr. Bhagat, himself stat that after the Bofors discussio straightaway he will take up t Panchayati Raj Bills and no oth Bills in between. He himself stat that. The Chairman also clear stated that immediately after t Bofors discussion, we will take the Panchayati Raj Bills and no oth Bills.

THE DEPUTY CHAIRMAN There is no need to raise your vo just now. I can also hear y when you speak softly.

SHRI GURUDAS DAS GUP (West Bengal) : They are afraid defeat. Government is runni away. You are running away.

SHRI DIPEN GHOSH (W Bengal) : In the morning, it was who suggested, when the Chairm had stated that he was going allow a Short Duration Discussi on Bofors affair, that financi Bills be taken up first and afterwar the Constitution (Amendment) Bi could be taken up.

Then it was we who suggest that after the Bofors discussi the other Bills be tak up, completed today and t Constitution Amendment Bills taken up on Monday. But at th time the Leader of the House, M P. Shiv Shankei, said, "No". Ev Mr. Bhagat himself was present. H said, "No, the Constitutic Amendment Bills will be taken up"

SHRI H.K.L. BHAGAT : Do' say wrong things. I was not presen

THE DEPUTY CHAIRMAN He was not there.

SHRI DIPEN GHOSH : H said that the Constitution Amendme Bills would be taken up after th Bofors discussion. Then I aske what was the reason that the Consti tution Amendment Bills can not t

taken up on Monday, even though the session has been reconvened up to the 16th. Mr. Shiv Shanker said, whether the House will continue till Monday or not will depend upon the fate of the Constitution Amendment Bills. Now they are going back on their words. It is we who suggested it. Let the Constitution Amendment Bills be taken up. If they have the Courage, let them take them up now and let them be discussed now.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh) : It is unfair if they cannot make up their mind...(*Interruptions*)...

THE DEPUTY CHAIRMAN : Mr. Gopalsamy, may I respectfully remind you that is not your seat and you keep on getting up unnecessarily? If you want to say something, please go back to your seat, take my permission and speak... (*Interruptions*).

SHRI H. K. L. BHAGAT : Madam, it is up to the Government. It is also an accepted principle that it is up to the Government as to which item should be taken up first. Therefore, I am saying that it is our prerogative . Secondly, we are putting it to the House... (*Interruptions*)

SHRI LAL K. ADVANI (Madhya Pradesh) : Madam Deputy Chairman, Mr. Bhagat was not here in the morning when this matter was discussed. May I point out that during the last two days we have called all our Members had them cancel their programmes because the schedule of lists circulated to us indicated that the Bills might be taken up on Friday, though originally we thought that they would be taken up on Monday the last day—the 16th? This morning I pointed this out to the Chairman and to the Leader of the House who was present there, and I said that it is not fair to the House to be planning business in an ad hoc manner. I suggested that today we are going to discuss Bofors which is an important issue and so, let time be spent on that and if a little time is available. We can take up the other ordinary Bills and leave the Constitution Amendment Bills for Monday. This was the formal proposal made by me by the entire Opposition, but it was turned down by the Leader of the House. He said, "Under no circumstances we are going to put it off to Monday. We are determined to see that this Bill comes up today itself. Howsoever late we may have to sit in the House, we will put it to vote because the Government's move after that depends upon the fate of the Bill in this House." He went on to the length of saying that it may be that the Government may decide to adjourn the House *sine die* today and dissolve the other House. This is something that the Leader of the House said in the meeting.

THE LEADER OF THE HOUSE (SHRI P. SHIV SHANKER) : I did not give an assurance in that matter.. (*Interruptions*)...

SHRI LAL K. ADVANI : I am not saying that it is an assurance. ...(*Interruptions*).. Let me complete...(*Interruptions*)

SHRI P. SHIV SHANKER : Did I say that the House will be dissolved?

SHRI LAL K. ADVANI : I am not yieldingt Mr. Leader.

SHRI P. SHIV SHANKER : You have said something...(*Interruptions*) Madam, the has attributed something to me. I will have to explain that... (*Interruptions*)... You have attributed something to me.

SHRI LAL K. ADVANI : I am not yielding. I have not completed. Madam he can intervene. only if I am asked to sit down Otherwise I am not yielding to him. Madam, I am merely saying that

[Shri Lal K. Advani]

he did not give an assurance. He turned down our unanimous request on the ground that the Government had made up its mind to seek a vote today. This was the basis on which he turned down a unanimous request because we were keen to see the whole day was devoted to Bofors. We thought that it was an important issue. We also pointed out about price rise and asked what had happened to that. He said, "We may not discuss it; we will have to adjourn the House today ; it all depends upon the fate of the Bill." These are the precise words that he used. Now all of a sudden the Opposition is told, "No, we are not going to take up the Bill".

SHRI H.K.L. BHAGAT : Mr. Advani, you are totally misunderstanding us. . .(*Interruptions*)... Let me make it clear.

SHRI LAL K. ADVANI : Madam, I feel very unhappy that the business of the House should be conducted in this manner. A session is called for four days. A session for four days is called, a brief session of four days which has never taken place before. And on the third day day in the morning we are told that we might adjourn even today, right today, we want to do this, we want to do that. Is this the way in which the Constitution (Amendment) Bills are dealt with? He feels angry because of what he said. Madam Deputy Chairman, I would, therefore, like to know what the state of business in this House is, why we propose to change the order of business today without permission of the House.

SHRI P. SHIV SHANKER : Madam, I would just like to explain that the leaders of the Opposition who met the Chairman this morning wanted that Bofors should be discussed today and they desired that the Constitution (Amendment) Bill should be spilled over to Monday. I said, that it could not spill over t Monday and that it would have t be taken up today and finishe This is what I stated (*Interruptions* Just listen. I am saying somethin If I am a dishonest man and if y consider me to be a dishonest ma you can expell me.

SHRI DIPEN GHOSH : Yo are an honest man, but under pr ssure you may speak untruth.

SHRI P. SHIV SHANKER Let me say what I have to sa have always spoken in this Hous with conviction and with truthfu ness and I will stand by it.

SHRI DIPEN GHOSH : Yo stand by truthfulness. (*Interru tions*).

THE DEPUTY CHAIRMAN Mr. Dipen Ghosh, don't get angr He has a right to speak. Plea sit down.

SHRI P. SHIV SHANKER Madam, it was at that stage that t leaders of the Opposition start saying why Constitution Amendme Bill should be taken up today itse and it should be voted. I sai "It is possible that we might thin in terms of adjourning the Hou *sine die*. It is also possible th we might think in terms of dissol ing the other House". This what I said.

SHRI LAL K. ADVANI : Tha is exactly what you said.

SHRI P. SHIV SHANKER Since it was being misrepresented, had tobring this to the notice of t House. That is all what I said. some proposal is being brought no by the Parliamentary Affairs Ministe it is for the House to decide on it.

SHRI H.K.L. BHAGAT Madam, Deputy Chairmani, let m make it clear if Mr. Advani, h misunderstood that we propose t take up this Constitution (Amen ment) Bill to Monday. No. we stil

want to have it disposed of tonight. (*Interruptions*). Please wait. Now the other business is there which is important. We will not take our time. They can take the time allotted to them, and we will make up for the time.

It is the prerogative of the Government to state which item should be taken up. It is my prerogative to say that this item will be taken up now.

SHRI DIPEN GHOSH : No. On a point of order.

SHRI LAL K. ADVANI : No. We do not agree.

SHRI V. GOPALSAMY : The Constitution (Amendment) Bill should be taken up and no other Bill.

THE DEPUTY CHAIRMAN : Just a minute please. I heard both the sides. I was present there in the morning. Unfortunately, the discussion on Bofors went on longer. Fortunately or unfortunately, whatever you may like to call it, it went on for a longer time. We tried to accommodate every speaker who wanted to speak on it.

SHRI MURASOLI MARAN (Tamil Nadu) : Why?

THE DEPUTY CHAIRMAN : You wanted to speak. Your Member wanted to speak. That is why I allowed it. Why are you asking about it? Sit down. Unnecessarily you keep on saying, "Why, why," You do not know. You were not in the House when your Member was speaking and was not listening to the bell. So, you keep quiet and listen to the Chair. Don't interrupt me. Please sit down.

We went on longer. The Chairman had given only two-and-a-half hours for the Short-Duration Discussion. Anyway, it went on longer.

Now the Government has come with Money Bills. You and I and everybody else know that if the Money Bills are not passed, they will lapse. I would suggest : Let us take up the Money Bills.

SHRI V. GOPALSAMY: It was not pointed out by the Minister in the morning. Now why are you telling it?

SHRI DIPEN GHOSH: I have a point of order, Madam Deputy Chairman.

SHRI V. GOPALSAMY: Why are you afraid of the Constitution (Amendment) Bills?

SHRI P. SHIV SHANKER: May I just bring to your notice Rule 23? May I request you to look at Rule 23 for a while?

"Arrangement of Government business.—On days allotted for the transaction of Government business that business shall have precedence and the Secretary-General shall arrange that business in such order as the Chairman after consultation with the Leader of the Council may determine:

Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Chairman is satisfied that there is sufficient ground for such variation."

If the Chairman feels it could be varied.

SHRI H.K.L. BHAGAT: In today's list of business it is there. You can take the opinion of the House.

SHRI LAL K. ADVANI: The Leader of the House has cited the appropriate rule, which is rule 23, in which the proviso is the important part of it that as a rule whatever business has been listed in the list of business shall be taken

[Shri Lal K. Advani]

up in that order unless there are very specific reasons which satisfy...

SHRI P. SHIV SHANKER: There is no specific reason.

SHRI LAL K. ADVANI: I will quote it: "Provided that such order of business shall not be varied"—this is the important part —"on the day that business is set down for disposal unless the Chairman is satisfied that there is sufficient ground for such variation." In this case I would like to point out that in case of these money Bills there is no likelihood of the House being divided or there being a division, whereas on the issue of the Constitution (Amendment) Bill, which is a very important issue, which has been agitating not merely the House but the whole country, as to what is going to be the fate of that Bill, every Member of the House is very keen to see that he is there on time. (*Interruptions*) Madam, I have not completed. Why are they interrupting? He is a Minister. I am not yielding to the Minister. In the other House there have been so many occasions where Members' convenience is sought as to when and at what time should the voting should take place. I have with me a ruling of 1976 in which this problem arose in a serious manner and in which it was said that thereafter because the vote on the Constitution (Amendment) Bills for which two-thirds voting is....(*Interruptions*) I am not yielding to you.

SHRI P. SHIV SHANKER: If it suits you, you will quote the other House. Otherwise not.

SHRI LAL K. ADVANI: I am not yielding to you at all. Then the time was fixed that apart from 5.30 to 6, Constitutional (Amendment) Bills will not be voted. Similarly today right from the morning all my Members have been here only cause of the Constitution (Ame ment) Bill. Whips have been issu My submission to you is that Chairman should take into co deration what are the reasons, v does the Government want to t those Bills first, not as in the list business. I have no objection to th Bills being passed in half-an-h after the Constitution (Amendme Bills are over.

SHRI PARVATHANENI ENDRA: We will pass it with discussion after the Constitut amendments.

SHRI H. K. L. BHAGAT: you are prepared to pass it, let take up the financial part of business first and then we can over to the Constitutional ame ments.

THE DEPUTY CHAIRMA Mr. Advani, I have heard you, Bills are already listed and we going to take up the Constitut (Amendment) Bills. This is my surance to you. These are mo Bills. I would request all the M bers to pass these money Bills we can discuss the Constituti amendments.

SHRI DIPEN GHOSH: Why

SHRI M. S. GURUPAD SWAMY (Karnataka): Madam D puty Chairman, what is the reas of their taking those things earlie We can pass them later on.

SHRI LAL K. ADVANI: M dam, the time allotted to the Co titution (Amendment) Bills was hours and perhaps 9 to 10 ho have lapsed.

SHRI H. K. L. BHAGAT: shall cut our time. (*Interruptio*

SHRI LAL K. ADVANI: would be willing to do anythi provided the House is told at wh time the voting will take place

SHRI H. K. L. BHAGAT : I will cut my party's time in these Bills and also in the Constitution (Amendment) Bills.

SHRI M. S. GURUPADASWAMY : Is it a matter of prestige, I want to ask ?

THE DEPUTY CHAIRMAN : No prestige.

SHRI M. S. GURUPADASWAMY : Then, what is the reason given ? No reason at all.

SHRI DIPEN GHOSH : Madam, these are financial Bills. If these are discussed after nine hours, will they lapse ?

SHRI M. S. GURUPADASWAMY : May I just remind you what happened in the Chamber in the morning ? Please don't forget it.

THE DEPUTY CHAIRMAN : Yes, I remember. I remember every word of what was said. I am only reacting to what Mr. Advani has said. He said "Only 9 hours has been allotted for Constitution (Amendment) Bills." The Chief Whip from the Congress (I) has said that they are withdrawing their time. Now, out of 9 hours, 6 hours for their party are deducted ; 3 hours are left for considering the Bills.

SHRI DIPEN GHOSH : You tell us about the exact time of voting.

THE DEPUTY CHAIRMAN : Why are you so worried about that ? I have to work out. I cannot tell you off-hand.

SHRI LAL K. ADVANI : The entire Opposition is agreeable, immediately after the Constitution (Amendment) Bills are passed, money Bills will also be passed. Without discussion we will pass them.

SHRI DIPEN GHOSH : On a point of order. Will these Bills lapse if they are passed after the Constitution (Amendment) Bills are passed and after six hours ?

SHRI PARVATHANENI UPENDRA : We will pass at the end of the Constitution (Amendment) Bills.

THE DEPUTY CHAIRMAN : The Chair has been cooperating with all of you since morning. I have left the Chair only for about half-an-hour just to have a cup of tea or something. I request all of you at least on this day, please cooperate with me.

SHRI DIPEN GHOSH : Why ?

THE DEPUTY CHAIRMAN : You tell me the reason why not ?

SHRI DIPEN GHOSH : There must be... (*Interruptions*)

THE DEPUTY CHAIRMAN : You give me a reason why not ?... (*Interruptions*)... Actually this is within my right to take up any business while I am in the Chair. I can take up any business at any time. You have read the rule but still I am taking the opinion of the House.

SHRI M. S. GURUPADASWAMY : But the Constitution (Amendment) Bills require a number of divisions. It takes time. Let us first take up the Constitution (Amendment) Bills. We have no objection to cooperate with you on money Bills ... (*Interruptions*)... Why they are so erratic and whimsical ? I do not understand that.

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION AND TOURISM (SHRI SHIVRAJ PATIL) : I would like to submit, Madam, that it is the prerogative of the Chair to decide which subject should be taken up

[Shri Shivraj Patil]

first and which subject should be taken up later on... (*Interruptions*)

SOME HON. MEMBERS : No.

THE DEPUTY CHAIRMAN : I am in the Chair and I am deciding.

SHRI SHIV RAJ PATIL : Instead of using your discretion you have appealed to them. It is not necessary for you to make a request. It is enough if you give your ruling...(*Interruption*)....

SHRI LAL K. ADVANI : Madam, if the Government is keen to take up these money Bills first, we have no objection. We can pass them without any discussion.

THE DEPUTY CHAIRMAN : Thank you very much, Mr. Advani. I am very, very thankful to you.

APPROPRIATION (No. 5) BILL, 1989

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA) : Madam, I beg to move :

"That the Bill to authorise payment and appropriation of certain firther sums from and out of the Consolidated Fund of India for the services of the financial year 1989-90, as passed by the Lok Sabha, be taken into consideration."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN : Now, we shall take up clause by clause consideration of the Bill.

Clauses 2 and 3 and the Sched were added to the Bill.

Clause 1, the Enacting Form and the Title were added to the B

SHRI AJIT PANJA : Mada I beg to move :

"That the Bill be returned

The question was put and motion was adopted.

DIRECT TAX LAWS (SECON AMENDMENT) BILL 1989

THE MINISTER OF STA IN THE DEPARTMENT REVENUE IN THE MINIST OF FINANCE (SHRI AJ PANJA) : Madam, I beg move :

"That the Bill further amend the Income-tax Act, 196 the Wealth-tax Act, 1957 a the Gift-tax Act, 1958, passed by the Lok Sabha, taken into consideration."

The question was put and t motion was adopted.

THE DEPUTY CHAIRMAN Now, we shall take up claus by-clause consideration of t Bill.

Clauses 2 to 33 were added the Bill.

Clause 1, the Enacting Formul add the Title were added to the Bill.

"That the Bill be returned"

The question was put and th motion was adopted

CUSTOMS (AMENDMENT) BILL, 1989

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY